



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,048	02/02/2005	Siegfried Ebenhoch	3175	7566

7590
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

04/13/2007

EXAMINER

LANDRUM, EDWARD F

ART UNIT	PAPER NUMBER
----------	--------------

3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/523,048	Applicant(s) EBENHOCH, SIEGFRIED	
	Examiner Edward F. Landrum	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Foreign Patent</u> |

DETAILED ACTION

Priority

Examiner would like to apologize for the confusion regarding the foreign priority requirement. The examiner was misinformed, and applicant is entitled to the foreign priority date.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Abraham et al (International Publication No. WO 02/32314 A1), hereinafter Abraham.

Abraham teaches (see Figures 1-8) a hair-cutting machine (10) with a handle (20) that has a front end. A cutter head (50) is disposed on the front end of the handle (20). The cutter head has a stationary blade (55) and an oscillating blade (57) disposed above the stationary blade while the hair-cutting machine is disposed in an operating position where the handle (20) is held vertically and the front end of the handle is located below the rest of the handle (20). A cutting plane is formed by the cutting blades (55 and 57) and is capable of being inclined in relation to a longitudinal axis of the handle. In the operating position as described above the cutting plane can be

inclined downward and to the left of the longitudinal axis of the handle (20). Abraham further teaches that the inclination angle of the cutting plane is adjustable (see Figures 4-8) and therefore is inherently capable of having a positive inclination angle of 30 degrees between the cutting plane and the longitudinal axis of the handle. Furthermore, Figure 3 shows that the cutter head (50) is interchangeable, and Figures 5-8 show that a flat covering (handle portion of handle 20 to the left of reference numeral 57) is provided for the oscillating blade (57).

Response to Arguments

3. Applicant's arguments filed 3/13/2007 have been fully considered but they are not persuasive.

Examiner would like to first point out applicant references in the remarks (Pg. 8, Paragrah 4) that the limitations of original claim 7 filed 2/2/2005 are incorporated in new claim 10. It does not appear to the examiner that any limitations found in claim 7 appear to be in claim 10.

Abraham still reads on claim 10 because the device of Abraham is adjustable beyond the limitations of the instant application and therefore encompasses the claimed adjustable positive inclination angle thereby making the device of Abraham inherently capable of enclosing any of the claimed positive inclination angles.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wahl et al (U.S Patent No. 5,970,616), Maloy (U.S Patent No. 2,726,447), Parkin (U.S Patent No. 2,119,792), Yamada et al (U.S Patent No. 3,797,109), Wolf et al (U.S Patent No. 4,930,217), Proffitt (U.S Patent No. 3,217,409), Kubo (U.S Patent No. 5,325,589), Ogawa (U.S Patent No. 5,367,772), Melton (U.S Patent No. 5,579,581), and Lebherz et al (U.S Patent No. 6,260,276) teach elements of the current invention.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

Art Unit: 3724

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL
4/3/2007




BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER